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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,779	10/24/2003	Scott E. Dart	14917.0677US11	8962
27488	7590	04/08/2009		
MERCHANT & GOULD (MICROSOFT)			EXAMINER	
P.O. BOX 2903			DESIRE, GREGORY M	
MINNEAPOLIS, MN 55402-0903				
			ART UNIT	PAPER NUMBER
			2624	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/692,779	Applicant(s) DART ET AL.	
	Examiner Gregory M. Desire	Art Unit 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,12-14,17,19-22,27,29-31 and 36-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,12-14,19-22,27,29-31 and 36-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3-4, 12-14, 17, 19-22, 27 and 29-31 rejected under 35 U.S.C. 102(b) as being anticipated by Bentley et al (5,987,242).

Regarding claims 1,

Discrete units of information pertaining to an image (note col. 12 lines 12-13, image file) having properties understandable by said hardware/software interface system (employed by CMS),

Wherein said hardware/software interface system comprises an image schema (col. 11 lines 66 – col. 12 lines 1-3, CMS comprises schema) to define at least one of an image item and at least one of an image property (col. 12 lines 1-3 and 18-20, schema defines image item).

Regarding claims 3, 17 and 31,

Wherein at least of an item in the image schema is a foundational item, constituting a foundational item type, for which all other image items manipulated in the

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hardware/software interface system ore derived (note col. 6 lines 60-67). (Regarding claims 17 and 31 also see features of claim 1).

Regarding claim 4,

Wherein said foundational image item type comprises at least one property from among the following group of properties: wherein size constitutes the width or height of image in pixels (note col. 12 lines 52-57).

Regarding claim 12,

Wherein said hardware/software interface system comprises a photo schema to define at least one of a photo item and at least one of an photo property, and wherein said photo item is an extension of an image item type (note col. 10 lines 57-67, shows different schema domain specific wherein the domain can be photo).

Regarding claims 13 and 27,

Wherein at least on of an item in the photo schema is a foundational item, constituting a foundation item type, from which all other photo items manipulated in the hardware/software interface system are derived (note col. 10 lines 60-67, schema have items relevant to its functionality comprises its object) .

Regarding claim 14,

Wherein said foundational photo item type comprise at least one property from among the following group of properties: a unique identification of an acquisition session for said photo (not fig. 18, block 110, tag ID).

Regarding claim 19,

Wherein at least one of a property in the image schema is a property for a region of said image, the region property comprising field for the left, top, right and bottom coordinates of said region (note fig. 5, block 60 member variable as shown in block 6 int and object).

Regarding claim 20,

Wherein at least one of a property in the image schema is a property for a region of interest of said image, the region of interest property comprising a field for a region (note col. 9 lines 65 – col. 10 lines 5, cites modifying by selecting region of interest).

Region claim 21,

Wherein said region of interest property of said image further comprises a field of principal (note col. 9 lines 65 – col. 10 lines 5, cites modifying by selecting region of interest and specific area, interpreted as field of principal).

Regarding claim 22,

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Wherein said region of interest property of said image further comprises a field for a confidence (note col. 10 lines 8-20, examiner interprets specified priority as confidence).

Regarding claim 29,

Wherein said hardware/software interface system comprises an analysis properties schema to define at least one analysis property (AP) of a photo item and at least one of an AP property, and wherein said photo item type is an extension of an image item type.

Regarding claim 30,

Wherein at least one property from among the following group of properties: similarity index (note fig. 10 table 84 and col. 16 lines 10-14).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 36-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bentley et al (5,987,242) in view of Jain et al.

Regarding claims 36, 37 and 40,

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Bentley discloses queries matching component specification. Bentley does not clearly disclose component specification as geographic locations. Jain discloses a query window including geographic location (note fig. 3, key word, ie. mountain and under weights location). Bentley and Jain are combinable because they are from the same field of endeavor. Therefore, it would have been obvious to one of ordinary skills in the art to include geographic search in the system of Bentley as evidence by Jain. The motivation/suggestion for doing so would have been comparing objects by different schemas that reduces time when large number objects in the database (note col. 3 lines 53-56).

Regarding claim 38,

Bentley discloses queries matching component specification. Bentley does not clearly disclose component specification as a person relationship in an image. Jain discloses a query window including a persons relationship in an image (note fig. 3, creator, this is person relationship in an image). Bentley and Jain are combinable because they are from the same field of endeavor. Therefore, it would have been obvious to one of ordinary skills in the art to include queried base on a person in the system of Bentley as evidence by Jain. The motivation/suggestion for doing so would have been comparing objects by different schemas that reduces time when large number objects in the database (note col. 3 lines 53-56)

Regarding claim 39,

Bentley discloses queries matching component specification. Bentley does not clearly disclose component specification as a query based on an event. Jain discloses a query window including a query based on an event (note fig. 3, keywords i.e. snow an event). Bentley and Jain are combinable because they are from the same field of endeavor. Therefore, it would have been obvious to one of ordinary skills in the art to include query based on an event in the system of Bentley as evidence by Jain. The motivation/suggestion for doing so would have been comparing objects by different schemas that reduces time when large number objects in the database (note col. 3 lines 53-56)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory M. Desire whose telephone number is (571) 272-7449. The examiner can normally be reached on M-F (6:30-3:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (571) 272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

G.D.

March 31, 2009

/Gregory M. Desire/

Primary Examiner, Art Unit 2624